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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,230	09/16/2003	J. Patrick Fex JR.	102-1219	2114
7590	07/13/2005			
J. Nevin Shaffer, Jr. Suite 43 913 Gulf Breeze Parkway Gulf Breeze, FL 32561			EXAMINER KATCHEVES, BASIL S	
			ART UNIT 3635	PAPER NUMBER

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/663,230

Applicant(s)

FEX, J. PATRICK

Examiner

Basil Katcheves

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant has amended claims 1, 10 and 19 in the paper entered 4/27/05.

Pending claims 1-27 are examined below.

### ***Claim Rejections - 35 USC § 102***

Claims 1-3, 5-7, 9-12, 14-16, 18-21, 23-25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,711,470 to Hartenstein et al. as in the previous office action.

Regarding claims 1, 10 and 19, Hartenstein discloses a method of monitoring and adjusting air quality within a building having a plurality of pressure sensors throughout the building (column 4, lines 22-26), a connection means for connecting the sensors and an analysis means for collecting sensor data (fig. 3) and providing sensor output (fig. 1).

Regarding claims 2, 11 and 20, Hartenstein discloses the regulation of pressure on each floor (column 10, lines 15-18 and column 7, lines 18-21).

Regarding claims 3, 12 and 21, Hartenstein discloses sensor data input from throughout the building (fig. 3: 60, 82 & 84).

Regarding claims 5, 15 and 23, Hartenstein discloses outside pressure sensors, sensors from floors, or from parts of floors (column 7, lines 18-21 & 26-29).

Regarding claims 6, 15 and 24 Hartenstein discloses the sensors as being located within ducts (column 7, lines 62-65). Ducts are inherently located within floors, ceilings and walls.

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Regarding claims 7, 16 and 25, Hartenstein discloses a plurality of sensors throughout floors (column 7, lines 18-21 & 26-29).

Regarding claims 9, 18 and 27, Hartenstein discloses the sensors as being located within ducts (column 7, lines 62-65). Ducts are inherently located within floors, ceilings and walls.

### ***Claim Rejections - 35 USC § 103***

Claims 4, 8, 13, 17, 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,711,470 to Hartenstein et al. as in the previous office action.

Regarding claims 4, 13 and 22, Hartenstein discloses the acquisition of pressure and other various data to calculate an optimum environment through the processing of data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hartenstein to include a maximum, minimum and average pressure indicator to provide the end user with more data for temperature adjustments.

Regarding claim 8, 17 and 26, Hartenstein discloses the sensors throughout the building located wherever there is a heating or cooling, but does not specifically disclose the sensors as mounted on walls, floors or ceilings. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hartenstein by putting sensors on walls, floors, and ceilings, as common construction practice places them in these areas, in order to sample the air within a room, near the floor or near the ceiling.

### ***Response to Arguments***

Applicant's arguments filed 4/27/05 have been fully considered but they are not persuasive. Applicant argues the prior art does not control pressure in any way, however the applicant also states in lines 29 & 30 that the prior art affects pressure. Applicant argues that the prior art does not compare one pressure reading with another. However, the prior art monitors pressure (column 4, line 23). However, the applicant should note that pressure in an enclosure is relative to the pressure outside. Therefore, a pressure reading inside is taken with respect to a pressure reading outside. As the applicant has stated in the arguments, the prior art controls the interior pressure and pressure sensors monitor the pressure, therefore the limitations of the claims are met.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK

  
Basil Katcheves

7/11/05

Primary Examiner, AU 3635